

# Board of Zoning Adjustment

## Staff Report

June 27, 2022



<b>Case No:</b>	22-VARIANCE-0059
<b>Project Name:</b>	Key Family Dentistry
<b>Location:</b>	6305 E Manslick Rd
<b>Owner(s):</b>	Parkway Professionals, LLC
<b>Applicant:</b>	Key Family Dentistry
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – James Peden
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### **REQUEST(S)**

- **Variance** from Land Development Code section 5.3.1 and Table 5.3.1 to exceed the Maximum 95-foot setback by up to 6 feet as shown on the development plan.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 6,610 SF dental office on approximately .811 acres. The subject site is zoned C-1 in the Neighborhood form district. The site is located along Smyrna Pkwy at Manslick Rd in the Highview area of Louisville Metro. The development will share access with a gas station to the south that is currently under construction. The site was rezoned to C-1 in 2007 with a development plan that proposed a variety of office and retail uses.

### **STAFF FINDING**

The request is adequately justified and meets the standards of review. The additional setback allows the development to provide the full parkway buffer along Smyrna Parkway.

### **TECHNICAL REVIEW**

The Development Review Committee approved a Revised Detailed District Development Plan at the June 15, 2022 meeting.

### **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the required screening and planting required in the buffer will be provided on the site.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity because the plantings and screening requirements within the buffer and along the property line shared with the existing residential lots will be provided, and developments in the area have a variety of setbacks.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because plantings and screening will be provided around the subject site. Louisville Metro Public Works and the Kentucky Transportation Cabinet have approved the plan and will ensure safe circulation around and within the site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the additional setback allows the development to provide the full parkway buffer and necessary parking for the proposed use.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as it would be difficult to fit adequate parking and provide all required buffers around the development.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

## **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Variance**

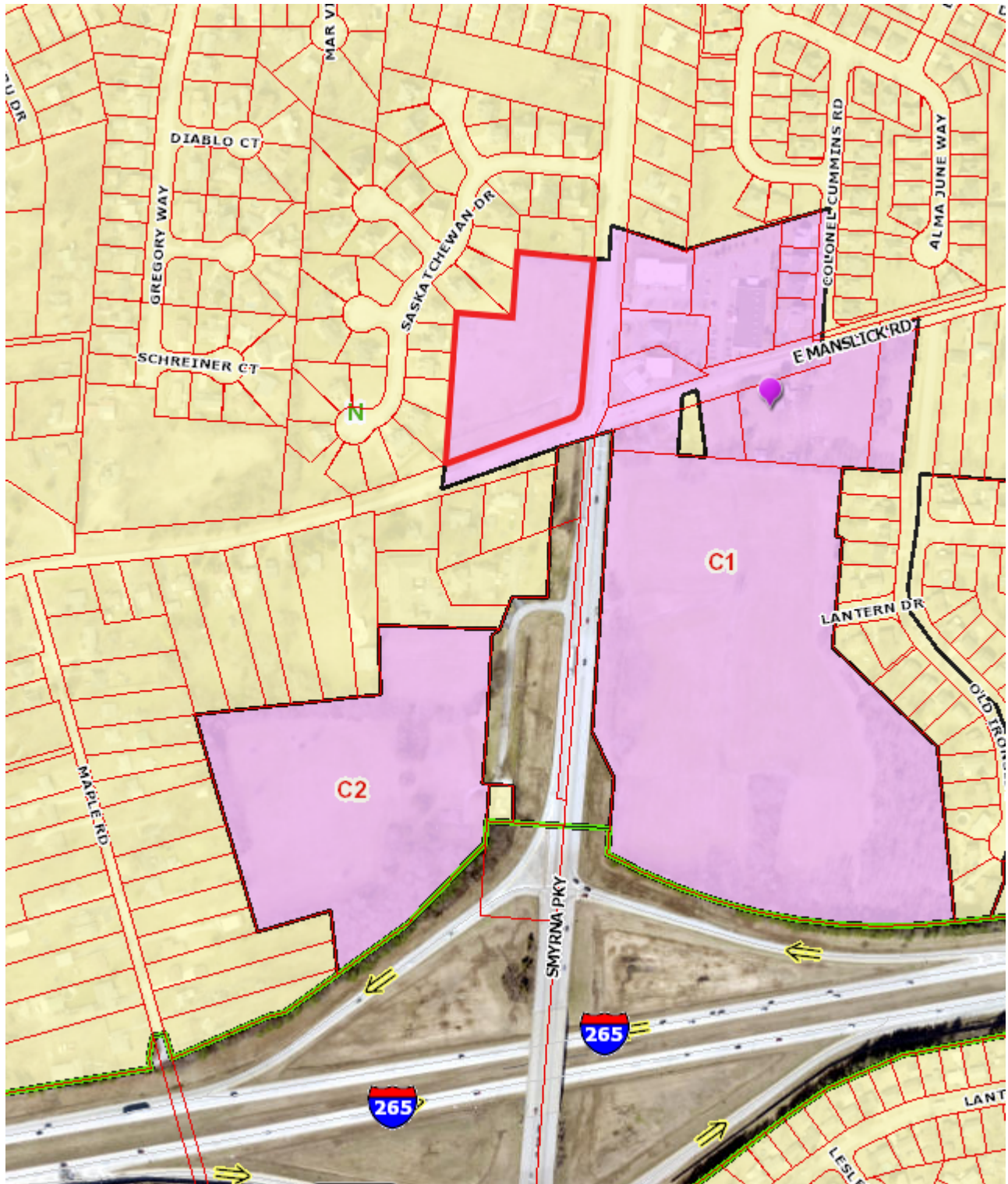
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>6-10-22</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and residents Registered Neighborhood Groups in Council District 23

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements

1. Zoning Map





2. Aerial Photograph

